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SUBJECT: PAKISTAN AMBASSADOR EMPHASIZES DE-LINKAGE BETWEEN
DIALOGUE AND ACTION IN MEETING WITH AMBASSADOR

REF: NEW DELHI 1778

Classified By: Ambassador Timothy J. Roemer for Reasons 1.4 (B and D)

11. (C) SUMMARY. In his introductory meeting with Pakistan's High Commissioner to India Shahid Malik August 25, Ambassador Roemer stressed the importance of bringing to justice the perpetrators of the Mumbai terrorist attacks and dismantling terrorist groups. He specifically emphasized the importance of acting on the evidence involving Hafiz Saeed. Malik sought U.S. help in encouraging India to return to the dialogue process, emphasizing that the July 16 Sharm El Sheik Joint Statement de-linked the dialogue process from action against terrorism. He said India had shown no signs of fulfilling its commitment to meetings of the respective Foreign Secretaries followed by a meeting of the Foreign Ministers on the sidelines of the upcoming UN General Assembly. Malik characterized the latest dossier on Hafiz Saeed as a "rehash" of existing evidence. He explained the legal technicalities behind the delay in the Saeed prosecution and expected the trial would resume "within a week or two." The trial of the other six accused in the Mumbai attacks would resume August 29. END SUMMARY.

Malik: Joint Statement De-links Dialogue from Action

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12. (C) In Ambassador Roemer's introductory meeting with Pakistan High Commissioner to India Shahid Malik August 25, Malik repeatedly emphasized that a return to the dialogue process was Pakistan's priority in its relationship with India. Malik exhaustively recounted efforts by the Government of Pakistan (GOP) to promote dialogue with India since the bombing of the Indian Embassy in Kabul last July. Despite "regrettable" obstacles like the terrorist attacks in Mumbai last November, the Government of Pakistan had consistently favored dialogue, and asked for U.S. help "as a friend" to encourage India to reciprocate. Ambassador Roemer underscored the perspective of the United States and encouraged more concrete help from Pakistan's military and intelligence institutions to dismantle terrorist networks and prosecute terrorists.

13. (C) Malik stressed the importance of the commitments made in the Joint Statement issued by the Indian and Pakistani Prime Ministers at Sharm El Sheik July 16, especially its de-linkage of the dialogue process from action on terrorism. Quoting extensively from the Joint Statement, Malik noted the two sides had agreed that dialogue was "the only way forward." Malik suggested that India was not fulfilling its commitments in the Joint Statement. He noted that the Joint Statement envisioned meetings between the Foreign Secretaries "as often as necessary" followed by a meeting of the Foreign

Ministers on the sidelines of the forthcoming UN General Assembly. Malik had invited Foreign Secretary Rao to Islamabad twice for meetings with her counterpart, but she had replied that "the force of public opinion in India did not permit such a meeting." Malik noted that both sides had also agreed to "share real time, credible and actionable information on any future terrorist threats." He lamented that Prime Minister Singh spoke of a "credible threat" in an address to Indian Chief Ministers August 17 without sharing such threat information with Pakistan.

Mumbai Prosecutions Progressing Despite Delays

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¶4. (C) Since the Mumbai attacks, Pakistan had repeatedly requested that the Indian Government share evidence to "strengthen (its) hand" in bringing the perpetrators to justice, according to Malik. Pakistan had arrested six "top operatives of Lashkar e-Tayiba," in addition to Hafiz Saeed. Malik said the third hearing in the trial of the six accused would resume in the anti-terror court August 29. He added that the other thirteen individuals suspected of involvement had the status of "proclaimed offenders" under the Pakistani common law system, and that Pakistan had requested Interpol assistance to track them down.

¶5. (C) Foreign Secretary Rao passed Malik a dossier on Hafiz Saeed August 21, but Malik's "preliminary observation" was that it was a "rehash" of existing evidence (reftel). It appeared to him "just another effort to score points," but he did not yet have an official reaction from the GOP. Malik

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stressed that Pakistan was attempting to gather sufficient evidence so that the appellate case before the Pakistan Supreme Court would not be dismissed as was the case in the Punjab court. He explained that Chief Justice Chaudhry called a recess when the Advocate General resigned following the revelation that he did not meet the experience requirement for the post (he was 43 years of age when appointed rather than the requisite 45 years). A new Advocate General would be appointed "within a week or two," at which point the trial would continue. Malik shared that it had not been easy for the GOP to enter an appeal against Saeed, who had "tremendous support among Pakistanis, though not official support." Nevertheless, the government, thus committed, planned to seek "exemplary punishment" for those convicted.

Ambassador: Dialogue Is No Substitute for Action

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¶6. (C) Recounting that he had learned of the bombing of the September 2008 Marriott hotel in Islamabad while en route to stay there, Ambassador Roemer stressed that the United States, India, and Pakistan shared a common enemy. Recalling that the scores of victims of the Mumbai attacks included six Americans, he underscored that bringing the perpetrators to justice was a priority not just in Delhi but also in Washington. The Ambassador stressed the importance of dismantling LeT and preventing another Mumbai-style attack from taking place. "At the same time," he added, "we will encourage dialogue." We can encourage dialogue and diplomacy, but we also must see activity and results, said the Ambassador.

¶7. (C) The Ambassador inquired about the possibility of transit trade between India and Afghanistan. Malik replied that it was part of the Composite Dialogue process. He added there was no restriction in shipping goods through the port at Karachi, and goods from Afghanistan could be shipped to India, but Indian goods could not transit Pakistan in the other direction. Land shipments from India to Afghanistan had become a "political issue," according to Malik, who recounted that Afghans had imported duty free air conditioners from India and smuggled them back into Pakistan

for re-sale, which "ruined our economy."

18. (C) The Ambassador and Malik agreed they had more to discuss in the future, including post-election developments in Afghanistan, Pakistan's efforts to combat militants, and Pakistan's views of Indian assistance to Afghanistan. Malik concluded the meeting by repeating, "To recap, we must get the two sides to talk."

ROEMER